

REMARKS

Currently claims 1-3, 5-13, 15-20 and 22-25 are pending in the application. By this Amendment, independent claims 1, 8, 19 and 24 have been amended. No new claims have been added and no claims have been cancelled. Applicants respectfully request the reconsideration of the outstanding rejections, in view of the above amendments and following remarks.

I. Claim Rejections – 35 U.S.C. § 112

Claims 1, 3, 5-13, 15-20 and 22-25 are rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Specifically, since the Examiner alleges that the subject matter was not described in the Specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner alleges that the Specification lacks support for “framework being related to a data-level to an application-level relationship,” as recited in claims 1, 8, 19 and 24. In addition, the Examiner alleges that the Specification lacks support for “shrinking” “after the creating an instance that associates the same data type between the data-level and the application-level”, as recited in claims 1, 8 and 19.

Specific support and reference for “framework” may be found throughout the Specification as originally filed and specifically at paragraphs 10, 11 and 12. In paragraph 12, for example, formatting of the so-called framework may be defined to include cascading style sheets whereby this type of formatting may encompass pre-identified classes that get applied to pre-identified framework containers. As such, this is clearly indicative of a data-level to application level that is reasonably identifiable on an adaptable user interface.

With regards to the second assertion that the Specification lacks support for “shrinking” after creating an instance that associates the same data type between a data level and the application-level, Applicants respectfully submit that the Specification as originally filed has numerous instances of sufficient support for this particular recitation, to include, paragraph 50, for example. In paragraph 50, for example, a framework 206 in accordance with the invention, may comprise of a collection of containers, and the so-called containers may expand or shrink to fit the modules that are inserted into the containers and/or the style that are applied to the

containers. Again, this is clearly indicative of a data level to application level that is viewable upon an implementation of an adaptable user interface.

As such, Applicants believe that the rejection of the instant claims based upon § 112, first paragraph, should be withdrawn based upon the above assertions. Accordingly, Applicants respectfully request the withdrawal of the rejection of the pending claims, based upon § 112, first paragraph.

II. Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 1-3, 5-13, 15-20, 22, 23 and 26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0056026 A1 to Anuff et al. (hereinafter “Anuff”) and U.S. Patent Publication No. 2002/0089546 A1 to Kanevsky et al. (hereinafter “Kanevsky”), and further in view of U.S. Patent Publication No. 2005/0005243 A1 to Olander et al. (hereinafter “Olander”); and rejects claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Anuff and Olander. These rejections are respectfully traversed.

With regards to independent claim 1, for example, and in view of the amendment made to independent claim 1, Applicants respectfully assert that none of the references, either alone or in combination, reasonably render at least independent claim 1 obvious.

This is to say that Applicants respectfully assert that despite the combination of the three references, not one of the three references mention a specific data-level to application-level relationship whereupon unformatted content is configured to accept zero or more modules or containers, wherein at least one of the at least one content modules and the at least one navigation modules are inserted into the framework.

The Examiner in asserting a primary combination of Anuff, Olander and Kanevsky, has alleged that Kanevsky teaches a system for reformatting the graphical user interface (see paragraph 5), but further teaches dynamically sizing the containers, that were already created for display, based on the content inserted to the container, such that it would be obvious that a window with no content would effectively disappear. See, paragraph 10, Kanevsky.

However, a close examination of Kanevsky, and a careful review of the claimed invention, would lead one of ordinary skill in the art, to not look to Kanevsky for providing this alleged motivation or disclosure by which to modify Anuff and Olander.

Assuming *in arguendo*, that Anuff and Olander leave the threshold determination that the Examiner has asserted, the Examiner then says that Kanevsky would be relied upon to dynamically size the containers that had already been created for display based on the content inserted to the container, where it would have been obvious that a window with no content would effectively disappear.

However, the instant claimed invention operates at the data level, a level well below the application level, and a level well below and separate from an application that would present anything upon a display interface. The claimed invention is specifically directed to a framework related to a data-level to an application-level relationship. As such, this operates well before and below any actual visually driven application, or top end, which would be presented upon a GUI. Furthermore, the particular focus of the claimed invention is operating on unformatted content with regards to visual characteristics. Clearly, the assertion that the Examiner is relying on to use Kanevsky, in his attempt to arrive at the instant claimed invention, operates upon content which is clearly previously formatted, and therefore, would reasonably teach away from Applicants' claimed invention. As such, Applicants respectfully assert that one of ordinary skill in the art, having read the claimed invention, and understood the claimed invention to focus upon content that is unformatted and a framework relating to a data-level to an application-level relationship, that drives and supports the instantiation of the content, accordingly formatting the content and displaying at least a portion of the framework after at least one content module is inserted into the framework. Therefore, Applicants respectfully assert that the assertion of Kanevsky in combination with Anuff and Olander, has failed to meet the burden under a *prima facie* case of rejection under § 103.

As such, Applicants respectfully assert that the rejection of claims 1-3, 5-13, 15-20, 22, 23 and 26 is improper, and must be withdrawn.

Furthermore, for at least the same bases as asserted with regards to independent claim 1, so similarly with independent claim 8 and 19, and similarly 24, which is addressed separately below, are patentably distinct over the assertion based in part upon the improper assertion of the combination under § 103, as well as for their patentably distinct subject matter, or in the case of a

dependent claim being directly or indirectly based upon a patentably distinct independent claim or for the additional recitations contained therein.

Accordingly, Applicants respectfully request that the Examiner withdraw his rejection of claims 1-3, 5-13, 15-20, 22, 23 and 26 under the asserted combination of Anuff, Kanevsky and Olander under § 103.

With regards to claim 24, Applicants respectfully assert that claim 24 is reasonably patentably distinct over the asserted combination of Anuff and Olander.

Specifically, the Examiner has based his specific application of Olander upon its asserted teaching of customization of web pages and their corresponding links (see paragraphs 25, 20 and 32), as stated on page 18 of the October 21, 2008 final rejection.

However, a fundamental difference with the so-called framework as discussed in Olander, which recites a framework where controls (tables) serve as containers for other controls, is fundamentally different than the particular framework and container of the instant invention.

The particular control of Olander, operates as an index or a portal. These particular controls are loosely associated with the existent graphical element in particular web applications. See, for example, Olander, paragraph 22, lines 1-6.

However, in the instant invention, our particular containers are again related to the framework, of a data-level to an application-level relationship. Furthermore, in the instant claimed invention, the particular containers, which are designed to accept unformatted content, are also configured to accept zero or more modules or containers as would occur at a data-level object instantiation.

Therefore, Applicants respectfully assert that the asserted combination of Anuff and Olander, under § 103 does not render the instant claimed invention, as recited in independent claim 24 obvious. As such, Applicants respectfully request the withdrawal of the rejection of claim 24 under the asserted combination of Anuff and Olander under § 103.

III. Conclusion

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact William D. Titcomb Reg. No. 46,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: February 20, 2009

Respectfully submitted,

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